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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,159	01/27/2005	Ryousuke Amano	450100-05073	6467
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			EXAMINER HSU, AMY R	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 08/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/523,159

Applicant(s)

AMANO, RYOUSUKE

Examiner

Amy Hsu

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/27/2005</u>                                                 | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Okino et al. (US 5019911).

Regarding Claim 1, Okino teaches an image pick-up apparatus (*Col 1 Line 50*) comprising: a solid-state image pick-up device for performing photo-electric conversion in accordance with a received image pick-up light (*Fig. 1 reference number 5*); switching means for performing switching between first mode serving as image pick-up mode where charges stored in the solid-state image pick-up device are read out every n (n is natural number) frames to output a CCD (Charge Coupled Device) output signal and second mode serving as image pick-up mode where charges stored in the solid-state image pick-up device are read out every m (m is natural number) fields (*Fig. 10a reference number 204 and Col 7 Lines 61-65*) to add odd charges and even charges which are adjacent in a vertical direction of the charges which have been read out while changing the combination thereof every m fields to output a CCD (Charge Coupled Device) output signal (*Col 3 Line 64 through Col 4 Line 3*); and control mean (*Fig. 1 reference number 10*) for controlling the switching means in such a manner to switch the image pick-up mode of the image pick-up apparatus into the first mode in

accordance with image pick-up request at a low output sensitivity, and to switch the image pick-up mode of the image pick-up apparatus into the second mode in accordance with image pick-up request at a high output sensitivity (*Col 4 Lines 56-68 teaches the field mode is selected when light quantity is insufficient, or high output sensitivity is needed, and the frame mode is selected when light is sufficient, or low output sensitivity is needed*).

Regarding Claim 2, Okino teaches the image pick-up apparatus as set forth in claim 1, comprising: gain adjustment means for adjusting gain of an image pick-up signal outputted from the solid-state image pick-up device (*Col 3 Lines 16-19 teaches adjusting gain for the signal in the signal processing circuit, reference number 6 in Fig. 1, which receives the outputted signal from the solid state image pick-up device, reference number 5*), wherein the control means controls the switching means so as to switch the image pick-up mode of the image pick-up apparatus into either the first mode or the second mode in accordance with the gain adjusted by the gain adjustment means (*Col 3 Lines 16-19 teach the control circuit performs changing of the sensitivity by adjusting the gain which accordingly determines which mode is selected based on the sensitivity*).

Regarding Claim 3, Okino teaches the image pick-up apparatus as set forth in claim 1, wherein the control means controls the switching means so as to switch the image pick-up mode of the image pick-up apparatus into either the first mode or the

second mode in accordance with storage time of the charges stored in the solid-state image pick-up device. Fig. 3 Step S8 shows the point in the apparatus' operation where either the field pickup mode or the frame pickup mode is chosen, and this choice is made in accordance with, or depending on, the steps that precede step S8. At Step S4, the control circuit checks if there is sufficient light, if there is not sufficient light the flow moves to step S6 where a storage time,  $T_o$ , is passed before closing the shutter and determining sufficient light which leads to the choice between field and frame pickup mode. In this way, the control means controls the switching means to switch between field and frame pickup mode in accordance with the storage time since Fig. 3 depicts the choice in step S8 is in accordance with the preceding steps such as step S6 involving storage time.

Claim 4 is a method claim corresponding to Claim 1 and is therefore rejected similarly.

Claim 5 is a method claim corresponding to Claim 2 and is therefore rejected similarly.

Claim 6 is a method claim corresponding to Claim 3 and is therefore rejected similarly.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including Wilder et al. (US 5232871), Soeda et al. (US 5382974), Hyncek (US 5430481), Yutani et al. (US 5444484), Hieda (US 5712680), Bandera et al. (US 7106374).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Hsu whose telephone number is 571-270-3012. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu  
Examiner  
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ARH 8/7/2007

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized, cursive script.

LIN YE  
SPE. ART UNIT 2622